



Miedel & Mysliwiec LLP

VIA ECF

September 21, 2023

The Honorable Ronnie Abrams
United States District Judge
United States District Court
40 Foley Place
New York, New York 10007

**RE: *United States v. Shawn Thomas*
23-Cr-52-RA**

Dear Judge Abrams:

I represent Shawn Thomas, one of the defendants in this case. I write to join in the Motion to Dismiss filed on September 19, 2023, by co-defendant Francis Shane (ECF No. 69).

Francis Shane moved to dismiss count seven of the indictment (S-1), which charges him with a violation of 18 U.S.C. § 924(c). Mr. Shane argued that Hobbs Act robbery can no longer serve as a predicate for the § 924(c) count, based on the reasoning of *United States v. Taylor*, 142 S. Ct. 2015 (2022).

Mr. Thomas is similarly charged with a violation of 18 U.S.C. § 924(c) in count six of the indictment against him (S-2). That count is also predicated on a violation of Hobbs Act robbery, as charged in count 3. For the same reasons and legal argument as set forth in Mr. Shane's motion to dismiss, Mr. Thomas moves to dismiss count 6 of his indictment. After *Taylor* and its progeny, Hobbs Act robbery can no longer serve as a predicate for a violation of 18 U.S.C. § 924(c).

Thank you for the Court's consideration of this request.

Sincerely,

/s/

Florian Miedel
Counsel for Shawn Thomas

cc: AUSA Katherine Cheng
via ECF

Mr. Thomas is deemed to have joined in Mr. Shane's Motion to Dismiss.

SO ORDERED.

A handwritten signature in blue ink, appearing to be 'R. Abrams', written over a horizontal line.

Ronnie Abrams, U.S.D.J.
September 26, 2023